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THE SITUATION IN CENTRAL AMERICA:
THREATS TO INTERNATIONAL PEACE
AND SECURITY AND PEACE
INITIATIVES

SECURITY COUNCIL
Forty-sixth year

Letter dated 26 September 1991 from the Permanent Representative of El Salvador to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text of the "New York Agreement" signed at United Nations Headquarters on 25 September 1991, containing the results of the negotiations held from 16 to 25 September between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional.

I should be very grateful if you could have this note and its annex circulated as an official document of the General Assembly, under item 31, and of the Security Council.

(Signed) Ricardo G. CASTANEDA
Ambassador
Permanent Representative

ANNEX

NEW YORK AGREEMENT

The Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional (hereinafter called "the Parties"),

Convinced of the need to give a final impetus to the process of negotiations currently taking place with the active participation of the Secretary-General of the United Nations, so that the set of political agreements required to bring a definitive end to the armed conflict in our country can be reached as speedily as possible,

Conscious of the fact that, in order to achieve the aforementioned objective, it is essential to establish a set of conditions and guarantees which will ensure the full implementation of those political agreements by both Parties,

Have reached the following political agreement:

I. COMISION NACIONAL PARA LA CONSOLIDACION DE LA PAZ

1. The Comisión Nacional para la Consolidación de la Paz (National Commission for the Consolidation of Peace) (COPAZ) shall be responsible for overseeing the implementation of all the political agreements reached by the Parties. COPAZ is a mechanism for the monitoring of and the participation of civilian society in the process of the changes resulting from the negotiations, in relation both to the armed forces, in particular, and to the other items on the agenda.

2. Composition

   a. COPAZ shall be composed of two representatives of the Government, including a member of the armed forces, two representatives of FMLN and one representative of each of the parties or coalitions represented in the Legislative Assembly.

   b. The Archbishop of San Salvador and a delegate of ONUSAL shall have access to the work and deliberations of COPAZ, as observers.

3. Decisions

   COPAZ shall adopt its decisions by majority vote.

4. Powers

   a. COPAZ shall not have executive powers since it is for the Parties, through their internal machinery, to carry out the peace agreements.

b. The Parties shall be obliged to consult COPAZ before adopting decisions or measures relating to relevant aspects of the peace agreements. Similarly, COPAZ may consult the Parties, at the highest level, whenever it deems it appropriate to do so. In the event of a difference of opinion as to whether a matter should be submitted to COPAZ, the question shall be decided by COPAZ.

c. At the request of three or more of its members, COPAZ shall be convened immediately and its opinion heard.

d. COPAZ shall have direct access to the President of the Republic and shall meet with him whenever COPAZ itself or the President deems it appropriate.

e. COPAZ shall have access to and may inspect any activity or site connected with the implementation of the peace agreements.

f. COPAZ shall have the power to issue conclusions and recommendations of any kind relating to the implementation of the peace agreements and to make them public. The Parties undertake to comply with those conclusions and recommendations.

g. COPAZ shall have the power to prepare the preliminary legislative drafts necessary for the development of the agreements which have been reached, both on the subject of the armed forces and on the other items on the agenda.

h. COPAZ shall have the power to oversee the implementation of the agreements reached by the Parties, both on the subject of the armed forces and on the other items on the agenda.

i. COPAZ shall be responsible for the preparation of the preliminary legislative drafts necessary to ensure that all those wounded in the war and, where appropriate, the families of combatants who have died, on both sides, are incorporated into the social security system of the State or receive adequate economic compensation, as provided for by law.

j. In the performance of its functions, COPAZ shall be authorized to address the relevant organs of the United Nations, through the Secretary-General.

k. COPAZ shall have full powers to organize its work in the manner which it deems most appropriate and to appoint any groups or subcommissions which it may deem useful in the discharge of its mission. For that purpose, it shall have its own budget.

5. Form

In addition to being the product of this political agreement, COPAZ shall be confirmed by law.

6. Duration

a. Between the date of this agreement and the cessation of the armed conflict, two representatives of the Government, including one member of the armed forces, two representatives of FMLN and one representative of each of the parties or coalitions represented in the Legislative Assembly shall work under a special operational régime of a transitional nature which they themselves shall define. This work shall include the preparation of the preliminary draft legislation to formalize the establishment of COPAZ.

b. The preliminary draft legislation to formalize the establishment of COPAZ shall be submitted to the Legislative Assembly within eight (8) days following the signing of the cessation of armed conflict. The formal establishment of COPAZ shall take place within eight (8) days following the promulgation of the said law.

c. COPAZ shall be dissolved once the implementation of the peace agreements has been completed. Its dissolution shall be decided upon by COPAZ itself, by means of an agreement receiving a favourable vote from at least two thirds of its members.

7. International guarantees

a. The establishment of COPAZ shall be explicitly endorsed by a resolution to be adopted by the Security Council concerning the peace agreements.

b. The Secretary-General shall keep the Security Council informed regarding the activities and effectiveness of COPAZ.

c. COPAZ shall be endorsed by Governments which are in a position to support effectively the guarantee required under the agreements as well as the work of COPAZ. In particular, the cooperation of those Governments shall be expressed and given in such a way as to promote the proposals set forth in the peace agreements as well as their full implementation.

II. PURIFICATION 1/

1. A process of purification of the armed forces is agreed upon, on the basis of a vetting of all personnel serving in them by an ad hoc Commission.

2. Participation by the armed forces will comprise two of their personnel, who shall have access only to the deliberations of the Commission.

1/ The mechanisms for selecting all participants in the ad hoc Commission, as well as the voting criteria and other measures relating to the purification, will be dealt with in the compressed negotiations.

III. REDUCTION OF THE ARMED FORCES

1. The criteria for reduction of the armed forces shall be agreed upon between the Parties.

2. The criteria shall determine inter alia the guidelines on the basis of which:

   a. The size to which the armed forces shall be reduced in peacetime shall be determined;

   b. The plan for the reduction (manner, timetable, budget, etc.) shall be drawn up.

IV. DOCTRINE OF THE ARMED FORCES

Agreement shall be reached on the redefinition of the doctrine of the armed forces based on the ideas that emerge from the agreements on this subject and from the constitutional reform. It is understood that the function of the armed forces is to defend the sovereignty of the State and the integrity of its territory, and that this doctrine should be based on the principle that the activities and regime of the armed forces shall be consistent with the principles deriving from the concept of the legally-constituted State governed by the rule of law, the primacy of the dignity of the human person and respect for human rights; defence of and respect for the sovereignty of the Salvadorian people; the concept of the armed forces as an institution in the service of the nation, free from all considerations of politics, ideology or social standing, and from all other forms of discrimination; and the subordination of the armed services to the constitutional authorities.

V. TRAINING SYSTEM FOR THE ARMED FORCES

Full effect will be given in its entirety to the agreement reached in Mexico on 27 April 1991 whereby the professional training of personnel serving in the armed forces shall place emphasis on the pre-eminence of human dignity and democratic values, respect for human rights and the subordination of such forces to the constitutional authorities. The agreements reached in this respect shall comprise regulatory provisions guaranteeing the foregoing points as well as the admission and instruction systems.

VI. NATIONAL CIVIL POLICE

The agenda for the negotiations on the National Civil Police provided for in the constitutional reform approved in the Mexico agreements shall include the following items: 2/

2/ The negotiations on the National Civil Police and on the Public Security Forces are at an advanced stage. The Parties have in their possession a working paper which reflects the progress made.

a) Establishment of the NCP. 3/ Doctrine. Juridical regime;

b) Disbandment of the National Guard and the Treasury Police, as Public Security Forces;

c) Personnel of the NCP:

1/) Vetting of National Police personnel.

2/) Enlistment of new personnel. Pluralistic and non-discriminatory selection and training system.

3/) Profiles and training.

4/) International advisory services and support coordinated by the United Nations. The organization of the NCP and of the National Public Security Academy and the selection of their personnel will be the subject of close international cooperation and supervision.

5/) Transitional regime.

VII. ECONOMIC AND SOCIAL QUESTIONS

1. Lands in excess of the constitutional limit of 245 hectares, as well as lands owned by the State which are not currently legally designated forest reserves, shall be used to meet the needs of peasants and small farmers who are without land. To this end, the Government shall also make arrangements to purchase lands offered for sale to the State.

2. The current land-holding situation in the conflict zones shall be respected until a satisfactory legal solution for the definitive land-holding regime is arrived at. The procedures and deadlines for the implementation of this agreement shall be agreed upon in the compressed negotiations.

3. The policies for granting loans to the agriculture and livestock sector shall be revised.

4. The Parties refer to the compressed negotiations, as part of the economic and social subject area, consideration of the following topics:

3/ Given the complexity of the task and the time required to carry it out, the process of organizing the new National Civil Police needs to begin immediately, i.e. without awaiting other political agreements or the cessation of the armed confrontation. To this end, provision of the international advisory services required has already begun.

a. Measures required to alleviate the social cost of structural adjustment programmes;

b. Appropriate procedures for direct external cooperation designed to encourage community assistance and development projects;

c. Establishment of a Forum for economic and social accommodation, with participation by the governmental, labour and business sectors, for the purpose of continuing to resolve economic and social problems. The Forum may be open to participation by other social and political sectors as observers, under terms to be determined by it.

VIII. REMAINDER OF THE AGENDA

1. Other aspects still pending under the "Armed Forces" item relate to the guarantees of compliance with the agreements. No direct mention is made of these, because they are subject to agreement in the compressed negotiations. In any event, their fulfilment and implementation will be the responsibility of COPAZ.

2. On the same date, the Parties have agreed on an agenda for the compressed negotiations on the pending items, which shall be deemed to form part of the present agreement. Those items on this agenda which have been the subject of agreements in principle in the present agreement shall be subject to consideration and negotiation in conformity with the criteria and principles defined herein.

New York, 25 September 1991

Representing the Government of El Salvador:	Representing the Frente Farabundo Martí para la Liberación Nacional:
Dr. Oscar Santamaría	Cmdr. Schafik Handal
Col. Mauricio Ernesto Vargas	Cmdr. Francisco Jovel
Dr. David Escobar Galindo	Cmdr. Salvador Sánchez Cerén
	Cmdr. Eduardo Sancho
	Cmdr. Joaquín Villalobos

Alvaro de Soto
Representative of the Secretary-General
of the United Nations